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EASTERN

F.O.
371

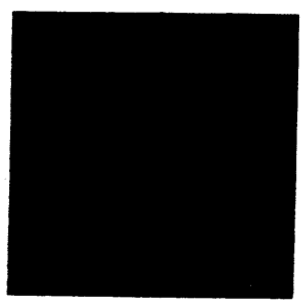
1948

PALESTINE ✓

FILE No. 777.....
.....

PUBLIC RECORD OFFICE					
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68647



E

E 777

2

1948

20 JAN 1948

Registry Number

6977/1293/31

FROM

No.

J. Higham
Colonial Office

Dated

16/3/48

Received in Registry

15 JAN 20

Restoration of requisitioned houses in Palestine
Refer to letter (E 6977/1293/31) 47. Approved
HPC consent of hospitals & legal title of
June 20. It replied that the buildings
of the Government and the Palestine Administration
had already been returned, and no objection
would be given to others.

Last Paper.

6977/1293/31 47

References.

68647

(Print.)

(How disposed of.)

Dpt. J. Higham CO.
from M. Beith
Jan 22

Camps. Clarines
4104
W.O.
Jan 28

(Action completed.)

5/2/48

(Index.)

5/2/48

Next Paper.

2617

(Minutes.)

We ought I think to take this opportunity of raising the whole question of requisitioned properties with the Colonial Office. Mr. Higham's letter within is not entirely satisfactory and we cannot allow the Government of Palestine or the Army to abandon the requisitioned buildings when they have no further use for them in the course of their withdrawal. It is of interest to the Foreign Office that, so far as possible, the buildings should be given back to their owners in advance of our final withdrawal in as good order as possible. The owners should acknowledge receipt of the property and, if they have any claims for dilapidation, etc., make them then.

If we do not adopt this procedure this Department will be dogged by claims, and justified claims, in respect of this property.

I submit a draft letter ~~from Mr. Beith~~ to ~~Mr. Martin~~ the Colonial Office.

J. G. S. BEITH,
20th January, 1948.

JB Jan 21

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76395

E 777

20 JAN 1948

Colonial Office,
The Church House,
Great Smith Street,
S.W.1.

15 January, 1948.

My dear Bealey

Please refer to Baxter's letter to Trafford Smith, No. E 6971/1293/31 of 11th August about the requisitioning of religious property in Palestine.

We approached the High Commissioner about the representations made in the Apostolic Delegate's letter of the 30th June, and he replied to the effect that two of the buildings concerned, namely the Franciscan and the Salesian Monasteries of Nazareth, had already been released, and that further consideration would be given to the release of others, although there was little prospect of either the Army or the Government being able to give up many in the near future. He reiterated the wellknown fact that suitable premises for offices, or for billeting troops and police are very scarce, and that these ecclesiastical properties are not only frequently the most serviceable kind of buildings, but also frequently the only ones available for such purposes.

At the time of receiving the High Commissioner's comments we felt we should like some further details about individual buildings, before replying to Baxter's letter. We, therefore, made a second approach to the High Commissioner for more information. We have, however, had no reply to date, and in view of a specific request from the Palestine Administration only to refer to them, at present, matters of major importance, we do not feel able to press for an answer.

/As

H. BEELEY, ESQ.

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(33854) WL14806/147 75,000 0/47 A. & E.W. Ltd. Gp. 685

Registry
No. E777/777/31

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Cell
Draft to: *Higham*
Mr. ~~MARTIN~~,
Colonial Office.
from: Mr. *Beit* ~~Burrows~~
Beit

X OAK - FILE
Jim
22²g-??/10
your
4

Would you please refer to ~~Higham's~~
letter to Beeley no. 176395 of January 15th
about the requisitioning of religious property
in Palestine and correspondence about
requisitioned French schools ending with
Lloyd's letter to Harvey of October 23rd.

We are greatly concerned at the
prospect that the requisitioned properties
might simply be abandoned in the course of
our withdrawal from Palestine, whether by
the Army or by the civil Administration.
It may well be that the Government of Palestine
are making the necessary arrangements
to hand these properties back to their
owners as soon as they ~~have~~ become available
as our people move out. We should, however,
like you to confirm this urgently in view
of the fact that, according to Lloyd's letter
under reference, 42 religious and educational
institutions are still occupied by the military
authorities in Palestine.

We think this is an important point,
both on grounds of equity and interest.
We should really look very bad if, having made
use of these properties for our own purposes
for a number of years, we made no attempt in
withdrawing to give the owners an opportunity
to take them over and look after them them-
selves during the chaotic conditions which will
probably exist. Moreover, if we do not hand
the properties back and receive formal
acknowledgment of their return we shall lay
ourselves open to claims by the owners which

/ it

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The French Govt. have left us in no doubt as to the importance they attach to their schools in Palestine

would be difficult to dispute. I should be grateful if, in spite of the strain under which the Administration are working, you could ensure that either they or the Army take the necessary steps for the ^{formal} return of these properties as soon as they are vacated.

I am sending a copy of this letter to Chartwell at the War Office.

20th January, 1948.

JB Jan 21

(Copy to Colonel Chartwell, M.O.4.)

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Moreover, if we do not hand the properties back and receive formal acknowledgment of their return we shall lay ourselves open to claims by the owners which it would be difficult to dispute. The French Government have left us in no doubt as to the importance they attach to their schools in Palestine. I should be grateful if, in spite of the strain under which the Administration are working, you could ensure that either they or the Army take the necessary steps for the formal return of these properties as soon as they are vacated.

I am sending a copy of this letter to Charteris at the War Office.

(J. E. S. Beith)

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2

E

2617

6

1948

25 FEB 1948

Registry Number E 2617/777/31

FROM

No.

Dated

Received in Registry

I Higham
Colonial Office
76395
23 Feb
25 -

Religious houses in Palestine
Refer previous letter (E 777/777/31) show enclosed
copy of Palestine programme no 98 of 10/2
a reply to question raised in para two of
letter under ref. re use of vacated houses
by a Protestant school.

Last Paper.

777

References.

(Print.)

(How disposed of.)

(Minutes.)

It seems hardly fair to extract consent for a temporary
let on the plea of war-time necessity, and use that consent
five years later to justify continuation of the let. However,
the main point here is one of principle, viz. Catholic temples
about allowing Protestants to use their property.

This letter in no way meets the point made in Mr
Beith's letter of Jan 22nd to C.O. (E 777), viz. that
requisitioned properties should be correctly handed over to their
owners during our withdrawal in such a way that we are
not thereafter pestered with complaints and claims.

D. Balfour
8/3

The material provided by the Colonial Office on
E 777 and in this paper does not provide us with a very
helpful reply to the Apostolic Delegate: certainly
not helpful enough to justify the very long time His
Grace has had to wait. In view of this long delay, and
of the new situation arising from our withdrawal, I
think it would be best not to revert to the matter with
the Apostolic Delegate. I understand from the Colonial
Office that the Government of Palestine are working
hard to hand back all occupied properties in the proper
form (we may expect a reply to my letter on E 777 as
soon as a report is received from the Government of
Palestine), and no doubt the Apostolic Delegate has
heard from the ecclesiastical authorities on the spot
of what is being done.

J. G. S. Beith
(J. G. S. Beith)
9th March, 1948.

B.U. 20/3 if nothing from C.O.
26513 F.O.P.

10/3
12/3

PTO

(Action completed.)

CPM/20/r

(Index)

10/3/48

Next Paper.

3958

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1	2	3	4	5	6
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Co. reminded. A letter is on
the way to us.

On Apr. 18th

JB Mar 28

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Colonial Office,
The Church House,
Great Smith Street,
LONDON S.W.1.

encl E
7

23 February, 1948.

My Reference 76395.....

Your Reference

1948 FEB 25 11 20 17
25 FEB 1948

377/77/7

My dear John,

Further to my letter to Beeley of the 15th January about requisitioned religious property in Palestine, I enclose a copy of Palestine Savingsgram No. 98.

This Savingsgram has come in reply to the second approach we made to the High Commissioner, which I mentioned in Paragraph 2 of my letter under reference. Noticing that the building in question was being used to house a Protestant School, we asked the High Commissioner for his comments so that we should be able to deal with this point, if it were raised by the Apostolic Delegate. I now transmit his reply to you for your information.

Yours sincerely
John D Higham
(J.D. Higham)

J.G.S. BLITH, ESQ.

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7. Clear.

W/14/45

8

SAVING.

From the High Commissioner for Palestine.

To the Secretary of State for the Colonies.

Date...10th February 1948.

No.....98.....Saving.

Your telegram no.2568.

Properties.

Requisitioning of Religious

If Apostolic Delegate comments on the use of Tantar Convent by a Protestant school, I suggest that it might be best to refer him to the Apostolic Delegate's letter dated the 19th March 1945, addressed to the District Commissioner, Jerusalem, which reads as follows :

" I thank you for your letter 5/23/263 of the 15th March. As far as the property of Tantar is concerned I realise from personal experience the difficulties of transferring and placing communities as a result of war-time necessity. I am therefore ready to agree in the terms of His Grace Archbishop Testa's telegram quoted in your letter to the temporary letting of Tantar school for the purpose mentioned in your letter (Transfer of Talitha Kumi School) naturally with the reservation mentioned by Archbishop Testa regarding the Chapel."

2. For your information the reservation mentioned by Archbishop Testa in previous correspondence was that the Chapel in the Convent should not be used for Protestant Services. It has not been so used.

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3

E

E 3958

9

1948

30 MAR 1948

Registry Number E3958/777/31

FROM S. Higham
Colonial Office
No. 76395/40
to Mr. Beith
Dated 25th March
Received 30th "
in Registry

Restoration of Religious houses in Palestine.

Refers to Mr. Beith's letter of Jan 22nd (E777/777, 31) now enclosed copy of High Commissioner's "Savingram", 1st dated March 9th giving a report on the situation as it is at present, also encloses list of the names of the holdings whose numbers he quotes.

Last Paper.

2617

References.

(Print.)

(How disposed of.)

Dpt. W.P. Lusk.
M.O.L.
W.O.
from Mr. Beith
April 13

(Action completed.)

[Handwritten signature]

(Index.)

[Handwritten signature]

Next Paper.

5780

(Minutes.)

This is not very reassuring, although we must take into account the difficulties of the people on the spot. I have asked Mr Higham Co to send a copy of this letter to Col. Charteris, W.O.

Most of the claims which may arise would be lost to Govt. ~~W.O.~~ but Claims Dept. might care to see these papers

Claims Dept. for any info.

[Handwritten signature]
Mar. 31

I am afraid that the matter will have to be left thus for the time being. There will presumably be claims against W.O. but the W.O. will always be there as a first

26513 F.O.P.

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E 3888 I

reference and their normal claims procedure will function. The role of the F.O. will presumably be to act as a channel for ref. by foreign Govts. In other words, the facts of a given case so warrant, to tell the W.O. that the reply which they propose to be returned will have to be reconsidered on grounds of foreign relations.

Claims Dept are prepared to deal with such cases so far as F.O. are concerned. If there is any paper in existence showing what papers, other than the French, are likely to have potential claims of this kind we sh^d like to see it.

Attachment 5/4

(P.S. Before E. Dept relinquish their question we sh^d be grateful if they will check with W.O. that they confirm the last two lines of para 3 of the H.C.'s Savings Act, 1948. If that is confirmed [picture by W.O.] (action can be taken on this subject can be made H.C.)

Draft to W.O.

Bu Apr. 28

Reminded

Bu May 7

JB Apr. 30

JB Apr. 9

42

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76395/48

E 3958

30 MAR 1948

Colonial Office,
The Church House,
Great Smith Street,
S.W.1.

enter 10

Your Ref. (E.777/777/31)

23 March, 1948.

Dear Vbn

Would you please refer to your letter of the 22nd January about requisitioned religious property in Palestine.

You expressed concern for the future of these properties, and asked what was being done to assure their transfer to their owners before the withdrawal of the Mandate from Palestine. We have now received a report of the situation, as it is at present, from the High Commissioner, and I enclose a copy of his Savingram No. 198, for your information. I also enclose a list of the names of the hirings whose numbers he quotes.

You will see from this report that the authorities have this matter well in hand, and that they will do all in their power to settle claims in all areas before the Army is withdrawn from there. It looks, however, as if it may not be possible to deal with all outstanding points while establishments are still in areas under British control, but much as we regret this we do not see that we can urge the High Commissioner to further efforts.

Yours sincerely,

John Higham

(J.D. HIGHAM)

J.G.S. BEITH, ESQ.

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Names of Hirings listed in Palestine Savingram 198.

- (1) Nazareth Austrian Hospice
- (2) " " "
- (3) " " "
- (4) Nazareth Casa-Nova (International)
- (5) " " "
- laundry
- (6) Nazareth Terra Santa Monastery (International)
- (7) Nazareth Salesian Monastery (French)
- (8) Ratisbone School (French)
- (9) Austrian Hospice
- (10) Ex Fast Hotel (Greek)
- (11) Zion Convent (Greek)
- (12) Y.M.C.A. Hostel, Old City (Greek)
- (13) Carmelite Convent (International)

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competent Department of your office and
let me know the result as soon as
possible.

yours sincerely,
JB Apr 9

(Signed J.G.S. Beith)

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14

(3958/777/31)

FOREIGN OFFICE, S.W.1.

Restricted.

13th April, 1948.

My dear Leask,

Will you please refer to my letter E 777/777/31 of 22nd January to Higham of the Colonial Office about the return of property requisitioned in Palestine and to Higham's reply No. 76395/48 of 25th March. My letter was copied to Charteris and I have asked Higham to do the same with his.

The question of the claims which may be brought against us after our withdrawal from Palestine in respect of this property will probably fall for action to our Claims Department. Before taking over the subject, they have asked us to confirm with the War Office that the last two lines of paragraph (5) of Jerusalem Saving telegram No. 198 of 9th March (which formed the enclosure to Higham's letter of 25th March to me) represent a correct statement of the position.

Would you kindly confirm this with the competent Department of your office and let me know the result as soon as possible.

Yours sincerely,
(S.G.A.) John Beith.
(J. G. S. Beith)

Major H.L.E.C. Leask,
M.O.4.,
War Office.

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1948

E

PALESTINE

15
5.00
6 MAY 1948

Registry Number E5780/777/31
FROM Maj. Leask (WAR OFFICE) to Mr Beith

No. B./2.32/MO4 (Encl. 2)

Dated 4.5.48.
Received in Registry 6.5.48.

Restoration of religious houses in Palestine.
Refers to Foreign Office letter of 13th April (E3958/777/31).
War Office Claims Directorate confirm that after the withdrawal of their staff from Palestine, any outstanding matters for which they have been responsible, should be passed to the Director of hirings and Disposals G.H.Q., M.E.L.F. for normal W.O. Claims Commission procedure.

Last Paper

3958

References

(Print)

(How disposed of)

(Action completed)

(Index)

Next Paper

(Minutes.)

Claims Dept. ^{aw BK}
Mr Bayly ^{OK}

See E3958

2 minutes

JB May 13

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